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EXAMINER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 January 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,5-7,9,11-13,15,16,18-20 and 22-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3, 5-7, 9, 11-13, 15, 16, 18-20, 22-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: application, filed 7/28/2003;

amendment filed 1/28/2009.

2.   Claims 1, 3, 5-7, 9, 11-13, 15, 16, 18-20 are pending in the case. Claims 22-26

are new. Claims 2, 4, 8, 10, 14, 17, and 21 were cancelled.

Response to Arguments

3.   Applicant's arguments are discussed in details as follows:

With respect to claim 1, applicant argues:

> "Timmer describes a method for creating a personalized book including content of a
>
> user's choice, such as streaming video and interactive content, in a structure designed by
>
> the user. At paragraph [0019], Timmer describes that his system could be implemented in
>
> various types of networks (e.g. LAN, WAN, Internet-based, etc.).
>
> Timmer, however, fails to teach or suggest distinguishing the type of network used to
>
> exchange data between a client and host as having different security levels, whatsoever.
>
> Moreover, Timmer clearly describes that his system is an Internet-based tool to develop
>
> an end product that "can be accessed from any location ... at any time." Thus, while
>
> Timmer does appear to disclose using a plurality of transmission systems to receive data,

as asserted in the Office Action, each of these transmission systems appear to provide an

open communication path (e.g. Internet) between the client and host, and the paths are

not differentiated based on security level."

However, Timmer does teach distinguishing the type of network used to exchange data

between a client and host as having different security levels. As indicated by applicant's

Specification at paragraph [0088], the relatively secure communication paths are

communication paths such as telephone and electronic mail. The lower security

level is set for every other transmitted data. As agreed by the applicant, Timmer teaches

using Internet as the communication vehicle. Internet is known to carry email and other

communication applications, such as chat rooms, and world wide web. More

specifically, Timmer paragraph [0010] clearly shows that the invention includes the

capacity to create, use, edit, retrieve, and save words, pictures, video and audio clips. It

offers <u>messaging and reminder calendars, shared mail, personalized email, and</u>

<u>chatrooms and bulletin boards</u> where users "authors" meet other authors or share their

contents. Therefore, Timmer clearly teaches emails and other communication paths,

which according applicant's description, correspond to relatively secured

communication paths and other paths.

Therefore, Timmer in combination with Shurts teach "a central control unit which… sets

a higher security level for data received through a relatively secure communication path

and a lower security level for other received data...," as recited in amended independent

Claim 1.

Applicant further argues relative to the feature of comparing the acquired metadata and

display the result of the comparison of claim 13. Applicant specifically argues:

> "In rejecting the above emphasized features recited in independent Claim 13, p. 5 of the
> Office Action asserts that the limitation of "supplies, in response to an external access
> request, metadata from metadata storage unit that matches a security level available to the
> external access request" of Claim 1 "includes matching (comparing) the metadata" as
> recited in Claim 13. However, this is simply not the case.
>
> Independent Claim 1, for example, is directed to a mobile information communication
> device that stores metadata log information and, according to the Office Action's
> position, compares the security level of stored metadata with the security level of a
> received request.
>
> This is clearly not the same as a system including a stationary communication device that
> is configured to "acquire metadata from each mobile information communication device
> via a wireless transmission [and] compare the acquired metadata and display the result of
> the comparison" as recited in independent Claim 13."

However, claim 1 is more than just comparing the security level of stored metadata with the security level of a received request. Claim 1 also includes "supplies, in response to an external access request, metadata from metadata storage unit that matches a security level available to the external access request". As mentioned in the non-Final rejection, supplying data teaches displaying. Also, claim 1 shows that the supplied data is the data that matches the security level available to requestor. This inherently requires a comparing and determining whether the security level of data matches that of the requestor. Applicant's argument completely ignores the basis of rejection, and simply states that the inventions are not the same, without discussing the reasoning stated by examiner's rejection.

 With regards to claims 16 and 20 applicant recites some of the features of claims, and argues that the office action fails to address the features. However, the features of claims 16 and 20 were addressed as being substantially the same as claim 1. Claims 16 and 20 have been the same since before to the Final Office Action dated 3/20/2008. In that office action, Examiner responded to applicant's arguments relative to some other features claim 16. None of the features cited by the applicant in their last response was cited in applicant's response prior to office action dated 3/20/2008. It is noted that the features cited by the applicant in their last response are also taught by the same portions of Timmer cited in Examiner's Final dated 3/20/2008. Following is the details of how the features of claims 16 and 20 cited in applicant's last response are taught by Timmer.

In the Office Action dated 3/20/2008, Examiner cited paragraph [0031] of Timmer as follows:

Timmer paragraph 31 clearly shows that the travel scrapbook stores the locations visited by the user. Examples from paragraph 31 include: "*A user selects contents from host and/or imports contents from other sites, and saves it in travel planning scrapbook that already includes destination searching and trip planning ability, email and photography storage and transmittal ability, the ability to make and confirm reservations (and evaluate those reservations as the trip progresses!), reviews of restaurants available for each destination the author has selected and sites of interest.*" It also shows that the user can get updates about the weather each day, which is clearly associated with the location of the user on that day.

Regarding the feature of: …comparing the uploaded metadata to find matching activities and interests, the above cited portion shows that Timmer's device is capable of downloading and showing reviews of restaurants available for each destination the user has selected. Therefore, the device must be able to compare data to find matching activities and interests. As an additional example, see Timmer paragraphs [0025-26], where the system makes suggestions to user depending on the topic selected by the user.

Regarding displaying the matching activities and interests and corresponding users discovered by comparing, paragraph [0031] also shows that the user makes the scrapbook available to <u>other travelers who are taking similar trips</u>.

Regarding deleting the uploaded metadata from the stationary communication device, not only deleting data after the data has been uploaded and has no further use is known in the art, but also Timmer teaches that feature by showing that information related to user interests are updated. Updating involves deletion of the old information and writing the fresh information.

Based on the discussion above, all requirements of all pending claims, except the new claims, were addressed relying only on the same grounds of rejection presented before. Therefore, the rejection is made Final. The new claims are rejected as detailed in the following section. Accordingly, applicant's argument relative to allowability of the pending claims is found non-persuasive.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Claims include <u>passively</u> receiving metadata

transmitted from a device located at the entrance of a building. This feature is not

described in the Specification.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 3, 5-7, 9, 11-13, 15, 16, 18-20, and 26 are rejected under 35

U.S.C. 103(a) as being unpatentable over Timmer (U.S. Patent Application Publication

No. 2002/0107895, filed Aug. 3, 2001), and further in view of Shurts (U.S. Patent No.

5,572,673, dated Nov. 5, 1996).

7.1.   As per claim 1, Timmer is directed to a mobile information communication device,

which supports information exchange and fostering of human relations between a

plurality of users, (The "Host" as described in parag. 4 of Timmer, and parag. 18-21,

where a PDA (mobile device) stores a user personality book), comprising: a wireless

communication unit which transmits and receives wireless communication data (Timmer

parag. 31 suggests use of wireless application to exchange data in one of the example

embodiments. Also see parag. 27, suggesting the device storing the book to be a

cellular device); a metadata storage unit which stores, in the mobile unit, metadata

relating to activities and interests of a user of the communication device (parag. 4-6

indicating that the data is stored in the Host. Parag. 28-33 shows examples of data

related to user interests and activities); and a central control unit which manages the

storage of metadata in said metadata storage unit (Timmer parag. 19 teaches database

systems to be used to manage the data to be stored in the Host), wherein said central

control unit partitions said metadata storage unit by security level and category, stores

metadata received through said radio communication unit in a corresponding partition of

the metadata storage unit based on matching the received metadata with a security

level and/or category predetermined by the user (enforcing security based on assigned

levels and categories to data in a database management system was well known and

widely practiced at the time of invention. However, Timmer does not explicitly talk about

details of enforcing security. Shurts explains the enforcement of MAC rules using labels

in col. 1, line 52 to col. 2 line 5. Shurts specifically defines security levels and categories

in col. 4, line 55 to col. 5, line 51, and particularly in col. 5 lines 7-20. MAC rules are

typically implemented in Operating Systems and allow secure storage and access of

data based on the labels assigned to data. Therefore, in Shurts system, each data

object receives a label (level and/or category), which is used to determine if access to

data object is allowed or not. Therefore, each data object is stored based on the

assigned security label, and in a portion of metadata storage that corresponds to the

assigned label. Details related to combination of the arts taught by Timmer and Shurts

is described below),

and sets a higher security level for data received through a relatively secure

communication path and a lower security level for other transmitted data (as explained

in col. 1 line 53 to col. 2 line 5, the more sensitive data gets a higher level or category.

The more sensitive data is typically transmitted in the more secured transmission

system. Therefore, data received in a more secured transmission system is typically

more sensitive data. Also see response to arguments above, explaining that it would be

logical to assign higher security level to more sensitive data).

supplies, in response to an external access request, metadata from the metadata

storage unit that matches a security level available to the external access request (As

mentioned above, Shurts suggests deployment of MAC rules to enforce security, which

supplies data to a requestor only if the level and/or category of the requestor matches

that of the requested data), and wherein said metadata is information in the form of

metadata, equivalent to a log providing information on locations visited by the user

(Shurts is directed to a secured database system and the purpose of databases is

storing linked pieces of information such as the user, its visits and the visited place. A

system capable of storing data related to a user is well capable of storing the

information of locations visited by the user. In other words, barring any unexpected

result, a person skilled in art would have store[d] the data indicating location visited by a

user if an application requires such data. In addition, Timmer paragraph 31 clearly

shows storing locations visited by the user).

It would have been obvious to a person skilled in art, at the time the invention was

made, to combine Timmer's system with Shurt's system. This is because Timmer uses

databases in the system development as mentioned in paragraphs 19 and 25,

therefore its system incorporates the art that is analogous to Shurts' art, which builds a

database management system to secure data objects (abstract). Furthermore, Timmer

stores personal data, which requires privacy protection. As mentioned in paragraph 2,

Timmer uses a secured server and makes its data available over the Internet and via

wireless systems. Therefore the skilled artisan that makes Timmer's system would be

motivated to use Shurts' secured database system.

Therefore, it would have been obvious to a person skilled in the art to use Shurts'

secured database management system in development of Timmer's system.

7.2.   Claims 2, 8, 10, 14, 17 and 21 were cancelled by the applicant.

7.3.   As per claim 3, the combination of Shurts and Timmer is directed to the
information communication device according to claim 1, further comprising: a user input
unit for the user of the device to write metadata directly into said metadata storage unit
(Shurts col. 14 lines 5-15 describes a key which allows user enter user data).

7.4.   Claim 4 is cancelled by the applicant.

7.5.   As per claims 5 and 11, Timmer and Shurts are directed to the information
communication device according to claim 1. Timmer teaches a virtual person growing
means which grows a virtual person corresponding to the user based on the user's
history information accumulated in said metadata storage unit. This is because Timmer
is directed to an interactive personalized book, which provides users with the ability to
record and guide their own physical or emotional transformations over time, or collect
and archive content that reflects a specific period of time of their lives. An on-line
personal history diary, and evolution of personality and life style is possible parag. 9.
Also as shown in parag 29-30, Timmer's system supports, for example, a
"MYLIFEBOOK" which reflects a personalization process corresponding to a person. As
mention in parag 29, the personalization tool is interactive and matures as it collects
more history data about the person.

7.6.   As per claim 6, the combination of Shurts and Timmer is directed to the
information communication device according to claim 1, further comprising: a format
setting unit which converts the format of metadata taken out of said metadata storage
unit as requested by a requesting party (according to Shurts col. 5 lines 40 to 55, the
database maybe queried using different languages, and therefore it is formed in the
format requested by a requesting party).

7.7.   As per claim 26, Timmer in view of Shurts is directed to the system of Claim 13,
wherein the acquired metadata is compared to find matching activities and interests,
and the displayed comparison includes the matching activities and interests determined
by the comparison (see Timmer paragraphs [0025-26], and [0031], and also Response
to Arguments above).

8.   Claims 7, 9, 11-13, 15, 16, 18-20 are substantially the same as claims 1, 3, 5 and
6 above, Note that Timmer supports exchanging emails and Shurts creates a
bidirectional communication (col. 14 line 16-30), and therefore both are capable of
receiving and transmitting data. Also note that Timmer paragraph 6-12 teaches that the
Host can be updated and also that the information can be accessible on line and from
any location where the appropriate hardware is available. Also, Examiner takes the
official notice that authenticating parties before the parties can communicate was well
known and widely practiced at the time of invention. Therefore, it would have been
obvious to authenticate parties of communication before they can exchange data.

9.   Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Timmer (U.S. Patent Application Publication No. 2002/0107895, filed Aug. 3, 2001), in

view of Shurts (U.S. Patent No. 5,572,673, dated Nov. 5, 1996), and further in view of

An et al. (US Patent Application Publication No. 2002/0077062, filed December of

2001).

9.1.   As per claims 22-25, Timmer in view of Shurts is directed to requirements of

claims 1, 7, 13 and 19, but does not explicitly teach passively receiving meta data from

a device located at the entrance of a facility.

An is directed to a shopping center information service system, which includes a

database server for receiving and storing information on respective shops, residing in a

specified building and a data transmission server installed at each entrance of the

building. The data transmission server enables a data transmission/reception with a

customer's mobile terminal and transmits the information on the respective shops of the

corresponding building, stored in the database server, to the customer's mobile

terminal when the customer visits the building (see for example paragraph [0013]).

Timmer and An are analogous art, as they are both directed to technologies that help

individuals perform daily life activities more efficiently. At the time of invention, it would

have been obvious to the one skilled in art to improve Timmers device to receive

shopping events as described by An. The motivation would have been to further
enhance Timmer's system, which helps user perform shopping (see paragraph [0007]),
further improve the service by informing user of events in a shopping mall as the user
enters the mall, as described by An (see for example paragraph [0012]).

Conclusion

10.   **THIS ACTION IS MADE FINAL**. See MPEP § 7.39. Applicant is reminded of
the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Farid Homayounmehr whose telephone number is (571)
272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday
biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

5/2/2009

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434